

**REMARKS**

Reconsideration of the present application is respectfully requested. Claims 1, 33 and 41 have been amended. Claims 1 – 41 are currently pending.

The amendments presented by this Supplemental Response are limited to adoption of the Examiner's suggestions made during an interview conducted on March 20, 2009. Applicants thank the Examiner for taking the time to interview this case.

**Rejections based on 35 U.S.C. §101**

Claims 30 – 40 stand rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. Applicants have amended claim 30 in response to this rejection. Independent claim 30 now recites "One or more computer-readable media having computer-useable instructions stored thereon to perform a computer-implemented method." Given this amendment, Applicants respectfully request the withdrawal of the present rejection under 35 U.S.C. §101.

**Rejections based on 35 U.S.C. §112**

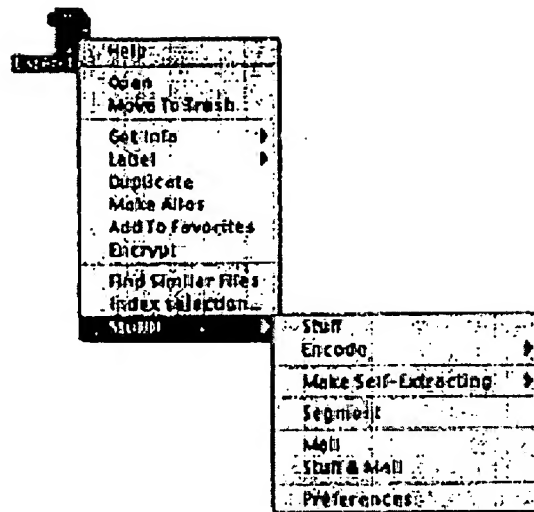
Claims 1 – 41 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claims 30 – 40 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More specifically, the Office Action takes issue with the claim terms/phrases "menu," "multiple items," and "multiple of said one or more requested items." These terms/phrases have now been removed from the pending claims. As such, Applicants respectfully request the withdrawal of the present rejections under 35 U.S.C. §112.

**Rejections based on 35 U.S.C. § 103**

Claims 1 – 41 stand rejected under 35 U.S.C. §103(a) as being unpatentable over an article titled “Inside Macintosh: Macintosh Toolbox Essentials” (“Toolbox”) in view of a second article titled “StuffIt Deluxe User’s Guide” (“StuffIt”). In the interest of furthering the prosecution of this application, Applicants have amended the independent claims, claims 1, 30 and 41, in response to this rejection. Applicants respectfully submit the neither Toolbox nor StuffIt, either alone or in combination, teach the following aspects of the independent claims:

- A shell that is configured “to present a set of items containing said metadata to the user with a visual representation and said user-selectable tasks listed by said metadata.” [claims 1 and 41];
- “accessing said metadata contained in said one or more requested items to select tasks from said plurality of user-selectable tasks listed in said metadata” [claim 30];

The Office Action states that Toolbox fails to teach defining the claimed “user-selectable tasks” and relies on Toolbox to teach metadata in the form of a resource fork of a file. *See* Office Action, p. 9. To teach the claimed “tasks,” the Office Action relies on StuffIt. Office Action, p. 9. The figure of StuffIt relied upon by the Office Action is reproduced below:



StuffIt, p. 86. As this figure illustrates, StuffIt's menus are displayed for a selected item in response to a user's input of the "Control" key. See StuffIt, p. 86. On page 3, the Office Action states:

StuffIt, then teaches a contextual menu that is automatically presented upon a control/right click. The contextual menu is populated with only chosen menu selections based on the item selected. As such, the menu is generated by selecting a portion of user selectable tasks from metadata (of item type selected) accompanying each item (items) from said set of items.

Based on this description of StuffIt, the Action appears to be implying that the items of StuffIt contain metadata defining the "item type." When the operating system is called upon to display a menu for a file, this item type is used to select the pre-stored menu. While StuffIt's system stores various contextual menus associated with the given types of file, a description of these menus or their menu selections are clearly not listed in the metadata along

with a particular file. For example, StuffIt does not disclose that its metadata expressly defines operations such as “encrypt”, “duplicate”, etc. as in the StuffIt menu shown above.

In contrast, the claimed invention uses a listing of **tasks in the metadata** to launch an application associated with the task. The claims do not rely on an item’s **type** to define the appropriate tasks to be displayed along with a selected item, but a specific task is defined by the metadata itself. For example, independent claims 1 and 41 require a shell that presents “a set of items containing said metadata to the user with a visual representation and **said user-selectable tasks listed by said metadata.**” Similarly, claim 30 recites “presenting along with the one or more requested items at least a portion of the **selected tasks listed by the metadata of at least a portion of said one or more requested items.**” Thus, the amended independent claims require the items selected for presentation, ***themselves***, define the visual representation and tasks. StuffIt does not disclose launching an application based on task metadata, but discloses displaying a **menu** based on a **file type**.

Such self-definition of these properties represents a significant departure from the system taught by StuffIt. Without relying on the system to *globally* define a menu for an entire type of items (as is the case in StuffIt), “independent software vendors (ISVs) may define view fields which are appropriate for presentation of their data. When developing new item types, ISVs can . . . provide their own view fields.” *See, e.g.,* Present Specification, para. 100. In contrast, the menus of StuffIt are drawn from system resources defined for a given type of file. Thus, Applicants respectfully submit that claims 1, 30 and 41 are now in condition for allowance.

Applicants also submit that dependent claims 2 - 29, which depend from claim 1, are in condition for allowance for at least the same reasons discussed above with respect to claim

1. Applicants also submit that dependent claims 31 - 40, which depend from claim 30, are in condition for allowance for at least the same reasons discussed above with respect to claim 30.

**Conclusion**

For the reasons stated above, claims 1 – 41 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

*/Robert H. Reckers/*

Robert H. Reckers  
Reg. No. 54,633

SHOOK, HARDY & BACON L.L.P.  
2555 Grand Boulevard  
Kansas City, Missouri 64108  
Phone: 816/474-6550  
Fax: 816-421-5547